

Remarks

Applicants have cancelled claims 1- 48 without prejudice to their rights to pursue the subject matter of these claims in other applications. Applicants have added new claims 49 to 57 which redirect the subject matter of the invention towards a single selected gene to diagnose liver cancer. As discussed with the Examiner, Applicants have thus shifted the current invention from lung disease to liver cancer. Applicants believe that the newly added claims are examinable without further restriction. Applicants thus respectfully request the Examiner accept the newly amended claims.

Applicant's have also amended the title of the pending application to more accurately reflect the subject matter of the newly amended claims.

Claims 49- 57 are pending. Support for the newly added claims is found through the specification and in the originally filed claims. In particular, support for the gene CDC-like kinase 1 (CLK1) is noted in Table 3X with a p value of 0.001786272 and is described in Figure 25, Example 26. No new matter has been added.

In response to the Restriction Requirement dated September 25, 2006, Applicants elect **Group I** and have elected a single combination of "one or more" markers from the tables relevant to the detection of liver cancer, namely Table 3X.

As noted, the Applicant has elected the selection of the gene CDC-like kinase 1 (CLK1) which is found in Table 3X.

A petition for extension of time is attached. However, should any fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account 04-1105, Reference No. 204231/2055J.

Respectfully submitted,

Date: January 26, 2007

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